***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.24953 of 1998**

**Dated:04.04.2007**

Between:

P.Varalakshmi and another.

Petitioners.

and

The District Collector, Nellore and others.

…Respondents.

***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.24953 of 1998**

**ORDER:**

The husband of the 2nd petitioner by name, Raghavaiah, and one Shankaraiah are brothers. The said family was in possession of Acs.5.65 cents of land in Sy.No.115 situated at Pullur Village of the then Srikalahasti Taluq. After the death of the said brothers, patta was granted in respect of Acs.3.35 cents of that land in favour of Gopalaiah S/o Shankaraiah and the remaining land was assigned to the illetum son-in-law of Raghavaiah. The 1st petitioner is the wife of Gopalaiah and the 2nd petitioner is the wife of Raghavaiah. The assignees, Gopalaiah and the illetum son-in-law of Raghavaiah are said to have died.

The petitioners state that the land was developed by digging wells, taking electric connection etc. Their grievance is that the respondents are trying to evict them by stating that the assignments are no more in force. The petitioners contend that they have inherited to the rights of the assignees and their rights cannot be interfered, particularly when no proceedings are initiated.

Though 9 years have elapsed, the respondents have not chosen to file any counter-affidavit.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners claim very long and continuous possession over the land, referred to above. The copies of orders of assignment in favour of the husband of the 1st petitioner and the illetum son-in-law of the

2nd petitioner are also filed. If the respondents are of the view that the petitioners have not succeeded to the rights of the original assignees, or any conditions of assignment are violated, they are under obligation to issue notice to the persons in enjoyment of the land and thereafter, the proceedings. The petitioners cannot be evicted from the land without initiation of proceedings in accordance with law.

Hence, the Writ Petition is allowed and the respondents are directed not to interfere with the enjoyment and possession of the petitioners over the land in Sy.No.115, except by initiation of proceedings, in accordance with law. There shall be no order as to costs.

**Dt.04.04.2007** **L.NARASIMHA REDDY, J**

GJ